

Message Text

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ARA - MR. LISTER (PHONE)

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FM SECSTATE WASHDC

TO USMISSION GENEVA

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FOLLOWING SENT SECSTATE, BNDD, CUSTOMS HQS HQS INFO BUENOS AIRES
FROM BRASILIA ON JUN 16, RPTD TO YOU:

QUOTE

C O N F I D E N T I A L

LIMITED OFFICIAL USE BRASILIA 3749

BUENOS AIRES FOR BNDD

E. O. 11652: N/ A

TAGS: SNAR BR

SUBJECT: NARCOTICS: BRAZILIAN DRUG LAWS

REF: 1. BRASILIA A-124, OCTOBER 16, 1972

2. BRASILIA A-100, AUGUST 7, 1972

3. BRASILIA A-98, AUGUST 4, 1972

4. RIO DE JANEIRO A-445, DECEMBER 10, 1971

5. RIO DE JANEIRO A-406, OCTOBER 20, 1971.

1. SEVERAL BRAZILIAN CONGRESSMEN INTERESTED IN IMPROVING
AND STRENGTHENING THE BRAZILIAN DRUG LAW PASSED IN 1971
(REF 1) HAVE SOLICITED OUR VIEWS ON PRESENT LAW' S WEAKNESSES.
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WE HAVE POINTED OUT SEVERAL DEFECTS THAT WE HAVE NOTED,
E. G., THE FAILURE OF THE LAW TO DISTINGUISH BETWEEN
MARIJUANA AND HARD DRUG USE, ITS FAILURE TO ADDRESS CLEARLY
THE CASE OF THE USER PUSHER (THEORETICALLY, THE ADDICT IS
TREATED; THE PUSHER PUNISHED), AND THE PROCEDURAL
PROBLEMS CREATED BY ARTICLE 19 OF THE LAW. ALL THESE
DEFECTS ARE DEALT WITH IN MORE DETAIL IN REF 2.

2. IN ORDER TO OFFER MORE PROFESSIONAL ADVICE TO THE
BRAZILIAN LAWMAKERS, THE EMBASSY WOULD APPRECIATE THE
COMMENTARY AND SUGGESTIONS OF A GROUP OF UNITED STATES
LEGAL EXPERTS. FOR THE GUIDANCE OF US EXPERTS, WE ARE
FORWARDING BY POUCH A COPY OF RIO DE JANEIRO JUDGE MENA
BARRETO'S COMMENTARY ON THE DRUG LAW, A LEI ANTITOXICOS
COMENTADA. ALSO, THE REFERENCED AIRGRAMS SHOULD PROVIDE
SOME USEFUL BACKGROUND.

3. ACTION REQUESTED: EMBASSY RECOMMENDS THAT THE DEPARTMENT
SUBMIT THE BRAZILIAN LAW TO A GROUP OF US EXPERTS
FOR STUDY AND COMMENTARY.

CLEVELAND

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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